

**REMARKS**

Claims 1-3, 5-16, and 18-28 are all the claims pending in the application. Claims 4 and 17 have been canceled.

**Rejections Under 35 U.S.C. § 102**

Claims 1, 4, 10, 12-14, 17, 22 and 25-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Story et al., U.S. Patent No. 5,042,904 ("Story"). Claims 1, 14, 27 and 28 are all independent claims.

Applicant respectfully request the Examiner to withdraw this rejection at least because story does not teach or suggest all of the claim recitations. For example, Story does not teach or suggest the claimed fiber optical cable having a first buffer cell of the plurality of buffer cells contains at least one optical fiber, and a second buffer cell of the plurality of buffer cells contains at least one optical fiber.

Independent claims 1, 14, 27, and 28 have been amended to recited that the fiber optical cable has a first buffer cell of the plurality of buffer cells contains at least one optical fiber, and a second buffer cell of the plurality of buffer cells contains at least one optical fiber. These amendments are fully supported by the non-limiting embodiment shown in the original specification at least at Fig. 2 and the discussion thereof.

Story discloses a communications cable in which multiple optical fibers 9 (Fig. 1) or an inner axial conductor 21 (Fig. 2) are centrally disposed within the core 10 of a jacket 12, 12'. The jacket 12, 12' is formed having multiple longitudinal cavities 13. One or more optical fibers 24 can be contained within a single longitudinal cavity 13 for use as a "talk path". Story at 5:34-

AMENDMENT UNDER 37 C.F.R. § 1.114  
U.S. Application No. 09/985,920  
Docket No. A8023

36. This “talk path” provides a “readily accessible communications link for use by field technicians during cable installation, acceptance testing, or restoration.” Story at 5:36-41.

However, there is no teaching or suggestion to modify the communication cable of Story to instead provide optical fibers in two of the cavities. A single “talk path” provides a technician with communications capability, and there is no suggestion to provide additional optical fibers in a second cavity. In fact, the embodiment in Story that teaches the use of many optical fibers 9, provides these additional optical fibers 9 in the center of the core 10 rather than in a second cavity. Story at Fig. 1.

Therefore, Applicants respectfully request the Examiner to withdraw the rejection of independent claims 1, 14, 27, and 28, for at least the reasons discussed above. Furthermore, Applicants respectfully request the Examiner to withdraw the rejection of claims 4, 10, 12, 13, 17, 22, 25, and 26 at least because of their dependency from one of claims 1 and 14.

**Rejections Under 35 U.S.C. §103**

Claims 2, 5, 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Story in view of Rutterman et al., U.S. Patent No. 6,449,412 (“Rutterman”).

Claims 2 and 5 depend from independent claim 1, while claims 5 and 18 depend from independent claim 14. Story is deficient with respect to claims 1 and 14 for at least the reasons stated above. Therefore, the Examiner must rely on Rutterman to compensate for the foregoing deficiencies.

Rutterman is directed to a fiber optic ribbon interconnect cable. Rutterman, however, fails to disclose the above identified recitations with respect to independent claims 1 and 14.

AMENDMENT UNDER 37 C.F.R. § 1.114  
U.S. Application No. 09/985,920  
Docket No. A8023

Therefore, Applicant submits that claims 2, 5, 15 and 18 are patentable at least by virtue of their dependency. The Examiner is therefore respectfully requested to withdraw the § 103(a) rejection.

Claims 3, 6-9, 11, 16, 19-21, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Story in view of Coleman, U.S. Patent No. 6,052,502 ("Coleman").

Claims 3, 6-9 and 11 ultimately depend from independent claim 1, while claims 16, 19-21, 23 and 24 ultimately depend from independent claim 14. Story is deficient with respect to claims 1 and 14 for at least the reasons stated above. Therefore, the Examiner must rely on Coleman to compensate for the foregoing deficiencies.

Coleman is directed to a ribbon optical cable having improved strength. Coleman, however, fails to disclose the above identified recitations with respect to independent claims 1 and 14. Therefore, Applicant submits that claims 3, 6-9, 11, 16, 19-21, 23 and 24 are patentable at least by virtue of their dependency. The Examiner is therefore respectfully requested to withdraw the § 103(a) rejection.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114  
U.S. Application No. 09/985,920  
Docket No. A8023

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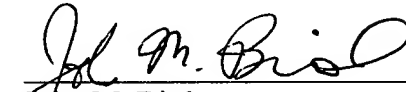
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**23373**

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